

SENATE BILL 1878

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 39;
Title 47, Chapter 18, Part 1 and Title 53, Chapter
1, relative to genetically engineered food.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 53, Chapter 1, is amended by adding Sections 2 through 4 of this act as a new, appropriately designated part.

SECTION 2. This part shall be known and may be cited as the "Genetically Engineered Food Labeling Act of 2014."

SECTION 3. As used in this part, unless the context otherwise requires:

(1) "Agricultural product" means an agricultural, horticultural, or viticultural, product;

(2) "Department" means the department of agriculture;

(3) "Food" means an edible substance, beverage, or ingredient that is used or intended for use in whole or in part for human consumption;

(4) "Food additive" means a substance, the intended use of which results or may be reasonably expected to result, directly or indirectly, in its becoming a component or otherwise affecting the characteristics of food, including a substance intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food, and including a source of radiation intended for that use;

(5) "Genetically engineered" means any food produced by or from an organism or organisms with materially altered genetics resulting from the following:

(A) In vitro nucleic acid techniques, including recombinant ribonucleic acid (RNA) techniques, recombinant deoxyribonucleic acid (DNA) techniques and the direct injection of nucleic acid into cells or organelles; or

(B) Fusion of cells, including protoplast fusion, or hybridization techniques that overcome natural physiological, reproductive, or recombination barriers, where the donor DNA, RNA, cells, or protoplasts do not fall within the same taxonomic family, not occurring by natural multiplication or natural recombination;

(6) "Label" means a display of written, printed, or graphic matter that is placed upon or connected to the immediate container or surface of any food and that also appears on the outside container or wrapper, if any, of the bulk, wholesale, or retail package of the food or is easily legible through the outside container or wrapper of the food; and

(7) "Principal display panel" means the part of food's packaging that is most likely to be displayed, presented, shown, or examined under normal and customary conditions of display for bulk, wholesale, or retail sale.

SECTION 4.

(a) Except as otherwise provided in subsection (b), food in the following categories sold in this state shall bear a label, created by the department, that is plainly visible on the principal display panel and shall clearly and conspicuously contain the words, "genetically engineered":

(1) Food derived in whole or in part from genetically engineered microorganisms, plants, or livestock, if such genetically engineered material accounts for more than ten percent (10%) of the weight of any portion of that food;

(2) Food prepared or processed using genetically engineered enzymes or other genetically engineered processing agents, whether or not such enzymes or agents are present in the final food product;

(3) Food derived from agricultural products cultivated using genetically engineered agricultural agents, whether or not such agents are present in the final food product; and

(4) Dairy and meat products derived from livestock that have been fed genetically engineered feed, food additives, or ingredients derived from livestock that have been treated with genetically engineered hormones or drugs.

(b) The “genetically engineered” label required by subsection (a) is not required for:

(1) Food that is not separately packaged or labeled; instead, the words, “genetically engineered,” shall be located clearly and conspicuously on the label appearing on the retail store shelf or bin in which the food is displayed for sale;

(2) Food that is not packaged for retail sale and that either:

(A) Is a processed food prepared and intended for immediate human consumption; or

(B) Is served, sold, or otherwise provided in any restaurant or other food establishment that is primarily engaged in the sale of food prepared and intended for immediate human consumption;

(3) Chewing gum;

(4) Alcoholic beverages, wine, or beer as those terms are defined in title 57;

(5) Food that a physician prescribes as medically necessary; or

(6) Food that is certified to be labeled, marketed, and offered as organic under the Organic Food Production Act of 1990, 7 U.S.C. § 6501 et. seq.;

SECTION 5. Tennessee Code Annotated, Section 53-1-103(a), is amended by adding the following as a new, appropriately designated subdivision:

() The sale, delivery for sale, holding for sale, or offering for sale of any genetically engineered food whose label is misleading or missing, in violation of the Genetically Engineered Food Labeling Act of 2014;

SECTION 6. Tennessee Code Annotated, Section 47-18-104(b), is amended by adding the following as a new, appropriately designated subdivision:

() The sale, delivery for sale, holding for sale, or offering for sale of any genetically engineered food whose label is misleading or missing, in violation of the Genetically Engineered Food Labeling Act of 2014.

SECTION 7. The commissioner of agriculture is authorized to promulgate rules to effectuate the purposes of this act. All such rules shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 8. For purposes of promulgating rules, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect January 1, 2015, the public welfare requiring it.